



PUBLISHED BY AUTHORITY

No. 4

CUTTACK, FRIDAY, JANUARY 26, 1945

SEPARATE PAGING IS GIVEN TO THIS PART, IN ORDER THAT IT MAY BE FILED AS A SEPARATE COMPILATION

PART IV

Regulations, Orders, Notifications and Rules, of the Government of India, of the Government of Bihar, and of the High Court.

Papers extracted from the *Gazette of India* and Provincial Gazettes. Orders of Commandants of Volunteers CorpsHOME DEPARTMENT
NOTIFICATION*The 23rd January 1945***No. 210-C.**—The following notification by the Government of Bombay, is republished for general information.

By order of the Governor

R. A. E. WILLIAMS

Chief Secretary to Government

HOME DEPARTMENT (POLITICAL)

INDIAN PRESS (EMERGENCY POWERS) ACT, 1931

Bombay Castle, 2nd January 1945

No. 8-Poll.—In exercise of the powers conferred by section 19 of the Indian Press (Emergency Powers) Act, 1931, the Government of Bombay is pleased to declare all copies, wherever found of the book in English entitled "An Attack on the Indian Rupee", printed by R. R. Bakhale, at the Bombay Vaibhav Press, Servants of India Society's Home, Sandhurst Road, Girgaum, Bombay and published for the Goa Congress Committee by Peter J. Alvarez, Duarte's Court, Vithalbhai Patel Road, Bombay 4, and all other documents containing copies, reprints, translations or extracts from the said book, to be forfeited to His Majesty on the ground that it appears to the Government of Bombay that the said book contains words of the nature described in clause (bb) of section 4 (1) of the said Act.

By order of the Governor of Bombay

G. G. DREWE

*Secretary*FINANCE DEPARTMENT
NOTIFICATIONS*The 24th January 1945*

No. 343/S.1/45 F.—The following notification, issued by the Government of India, in the Finance Department (Central Revenues), which supersedes their previous notification No. 4-Stamps, dated the 3rd June 1944, republished under the Government of Orissa, Finance Department, notification No. 4057-F., dated the 13th June 1944, is republished for general information.

By order of the Governor

J. E. MAHER

Additional Secretary to Government

STAMPS

Simla, 25th November 1944

No. 12.—In exercise of the powers conferred by clause (a) of section 9 of the Indian Stamp Act, 1899 (II of 1899) and in supersession of the notification of the Government of India in the Finance Department (Central Revenues) No. 4-Stamps, dated the 3rd June 1944, the Central Government is pleased to remit prospectively and retrospectively the duty chargeable under the said Act on receipts for pay and allowances drawn by the personnel of the Civil Pioneer Force while on field service in British India.

R. J. PRINGLE

*Dy. Secy. to the Government of India**The 24th January 1945*

No. 363-F.—The following notification, issued by the Government of India, Finance Department, is republished for general information.

By order of the Governor

J. E. MAHER

*Additional Secretary to Government**Simla, 14th December 1944*

No. F. 1(14)-R. II/44.—The following amendments by the Secretary of State for India are published for general information:—

"I, Leopold Charles Maurice Stonnott Amery, one of His Majesty's principal Secretaries of State, in exercise of

the powers conferred on me by sections 247 and 250 of the Government of India Act, 1935, hereby make, with the concurrence of my Advisors, the following amendments in the Civil Service Regulations, namely:—

1. In the Schedule of appointments carrying additional pensions—

A. Upper Grade—appended to Article 475-A.—After the entry "Directors of Public Instruction in Madras, Bombay, Bengal, United Provinces, Punjab, Bihar, Burma, Central Provinces and Assam" the following entry shall be inserted:—

"Director of Public Instruction in Orissa, if a member of the Indian Educational Service."

2. In the Schedule of appointments carrying additional pensions—

B. Lower Grade—appended to Article 475-A.—In the entry "Directors of Public Instruction, North-West Frontier Province and Orissa" after the word "and" the following words and brackets shall be inserted "(unless he is a member of the Indian Educational Service)".

Given under my hand this 22nd day
of September 1944

L. S. AMERY

*One of His Majesty's Principal
Secretaries of State*

B. C. A. COOK

Dy. Secy. to the Govt. of India

LAW DEPARTMENT

NOTIFICATIONS

The 23rd January 1945

No. 232-L.—The following ordinance promulgated by the Governor-General, is hereby republished for general information.

By order of the Governor

J. E. MAHER

*Secretary to Government**New Delhi, 13th January 1945*

ORDINANCE No. I OF 1945

AN

ORDINANCE

*to amend the Factories (Control of Dismantling)
Ordinance, 1943*

WHEREAS an emergency has arisen which makes it necessary to amend the Factories (Control of Dismantling) Ordinance, 1943 (XXXI of 1943), for the purpose herein-after appearing;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor-General is pleased to make and promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance may be called the Factories (Control of Dismantling) Amendment Ordinance, 1945.

(2) It shall come into force at once

2. **Amendment of section 2, Ordinance XXXI of 1943.**—In clause (b) of section 2 of the Factories (Control of Dismantling) Ordinance, 1943, after the words "at any time" the words "whether before or" shall be inserted.

WAVELL

Viceroy and Governor-General

The 24th January 1945

No. 240-J.—The following resolution, recorded by the Government of India, in the Legislative Department, is republished for general information.

By order of the Governor
J. E. MAHER
Secretary to Government

RESOLUTION

New Delhi, 15th January 1945

No. F. 209/41-C. & G. (Judl.)—The following statement is published for general information:—

STATEMENT

Two proposals for the enlargement of the jurisdiction of the Federal Court have been under the consideration of the Government of India and the Secretary of State for some considerable time.

2. The first proposal arises from the scheme adopted in sections 205 and 206 of the Constitution Act. Under section 205 an appeal lies to the Federal Court, and no direct appeal lies to His Majesty in Council, from a judgment, decree or final order of a High Court in British India if the High Court certifies that the case involves a substantial question of law as to the interpretation of the Act or any Order in Council made thereunder. Section 206 empowers the Federal Legislature and by virtue of section 316 the Indian Legislature of the transitional period—to provide by Act that in such civil cases as may be specified in the Act an appeal shall lie to the Federal Court without a certificate of the nature referred to in section 205, and by sub-section (2) further empowers the Federal or Indian Legislature to make consequential provision for the abolition of direct appeals in civil cases to His Majesty in Council either with or without special leave. The orders in Council hitherto made under section 320 have been so framed as to exclude section 206 from coming into force along with the remainder of Chapter I of Part IX and the section is still not in force.

3. The proposal which originally commended itself to the Government of India was that Parliamentary Legislation should be promoted for the amendment of section 206 so as to eliminate sundry anomalies to which attention had been drawn and that on the enactment of this legislation the whole section should be brought into force by order in Council under section 320 so as to empower the Indian Legislature to confer a right of appeal to the Federal Court from decisions of High Courts in civil cases and consequentially to abolish direct appeals from such decisions to the Privy Council either with or without special leave. After exhaustive consideration, however, the Secretary of State has reached the conclusion, in which, the Government of India concur, that the Indian Legislature ought not at this stage to be placed in a position enabling it to abolish direct appeals with special leave to the Privy Council from High Courts in cases outside the scope of section 205, or, in other words, that any Indian legislation under section 206 providing for an appeal to the Federal Court should not deprive a party of the option of seeking special leave to appeal to the Privy Council. In view of this conclusion, the proposal now is that the Parliamentary legislation for the amendment of section 206 should itself provide for the coming into force of sub-sections (1) and (3) thereof to the exclusion of sub-section (2) and that no steps should for the present be taken to bring sub-section (2) into force. The effect would be to empower the Indian Legislature to vest the Federal Court with a civil appellate jurisdiction concurrent with that of the Privy Council and to leave the choice of the forum of appeal to the free option of the party to whom a right of appeal had accrued.

4. Reference has been made to the desirability of removing certain anomalies before section 206 is brought into force to the extent proposed. The principal point involved is that section 206 is expressed in terms of a "High Court" in British India, with the result that the power conferred upon the Indian Legislature by that section extends to the conferment of a right of appeal to the Federal Court from the decisions of such Courts only as are enumerated in section 219 to the exclusion of other Courts of final appellate jurisdiction in British India (e.g. the Courts of the Judicial Commissioners in Ajmer-Merwar, Coorg, and British Baluchistan) which are High Courts within the meaning of Indian legislation and from whose decisions appeals lie to the Privy Council under section 109 of the Code of Civil Procedure. Section 205 is similarly expressed, with the even more anomalous result that while a direct appeal from a Constitution Act High Court in a

"constitutional" case lies to the Federal Court, a direct appeal from a Court of final appellate jurisdiction which is not such High Court continues to lie to the Privy Council to the exclusion of the Federal Court. It is proposed therefore, to amend both sections so as to extend the provisions made for Constitution Act High Courts to other Courts of final appellate jurisdiction in British India. It is also proposed to make such further amendments in section 205 as will enable the Indian Legislature to equate in all respects the conditions under which appeals will lie to the Federal Court with the conditions under which appeals now lie to the Privy Council under section 109 of the Code of Civil Procedure.

5. Clause (a) of sub-section (1) of section 206 imposes minimum and maximum limits of Rs. 15,000 and Rs. 50,000 respectively on the amount or value of the subject matter necessary to the creation of a right of appeal to the Federal Court without special leave. No change in this respect is proposed, and it is contemplated that any legislation enacted by the Indian Legislature in pursuance of section 206 would amend section 110 of the Code of Civil Procedure so as to substitute for the reference therein to Rs. 10,000 a reference to such higher sum as is not being less than Rs. 15,000 or more than Rs. 50,000 as may be adopted as the minimum amount or value involving a right of appeal to the Federal Court without special leave. The actual figure to be adopted within these limits would rest within the Indian Legislature; but the figure which Government have in mind is Rs. 15,000. The substitution of a reference to the higher figure for the reference in section 110 of the Code of Civil Procedure to Rs. 10,000 would involve the abolition of the existing right of appeal to the Privy Council in cases in which the amount or value is not less than Rs. 10,000 but is less than the higher figure to be adopted, but the abolition *pro tanto* of existing appeals to the Privy Council by right of grant is of course within the powers of the Indian Legislature independently of sub-section (2) of section 206.

6. In the course of the discussions of the proposal under consideration attention has been drawn to the fact that the Federal Court has held judicially that a Judgment of a single Judge of a High Court is a judgment in respect of which sub-section (1) of section 205 applies despite the fact that a so-called Letters Patent appeal lies to the High Court from such judgment. The Secretary of State and the Government of India entertain no doubt that this decision correctly interprets the existing law, but they are not convinced that the effect in this respect is desirable, and they feel that it would be more consonant with principle that appeals from a High Court to the Federal Court should be confined to cases in which all rights of appeal within the High Court itself have been exhausted. It is therefore proposed that the legislation in contemplation should include provision excluding the possibility of a direct appeal to the Federal Court from the judgment of a single Judge from which an appeal lies to a Bench of the High Court itself.

7. The second proposal contemplates the insertion in the Constitution Act of a section empowering the Central Legislature to provide for reference to and decision by the Federal Court of questions of law arising out of orders made by any appellate tribunal constituted under the law for the time being in force in British India relating to taxes on income, or, in other words to transfer to the Federal Court the Jurisdiction now vested in High Courts by section 66 of the Indian Income tax Act. The decision of a High Court on such reference is now appealable to the Privy Council, and the section to be inserted in the Constitution Act would be so drawn as to render a decision of the Federal Court in exercise of this jurisdiction appealable to the Privy Council by leave either of the Federal Court or of the Privy Council itself. The proposal is inspired in the main by the desirability of securing uniformity in the judicial interpretation of income-tax law more easily than is possible under existing conditions which have not infrequently led to most embarrassing conflicts of judicial opinion.

8. It is realised that if the enactment of Parliamentary legislation in the sense indicated in this note were followed by legislation in the Indian Legislature in either or both of the directions involved, an increase of the present strength of the Federal Court would be required. No attempt has been made to estimate the precise extent of the necessary increase, but on the footing that the vesting of the Federal Court with jurisdiction in respect of income-tax references was not envisaged when six was fixed by sub-section (1) of section 200 as the limit to which the

number of Puisne Judges can be increased without an address to His Majesty it is proposed that the contemplated Parliamentary legislation should include provision for increasing this limit to eight.

9. The Secretary of State has intimated that he will be prepared to promote Parliamentary legislation on the lines indicated in this statement if but not unless he is satisfied that the proposals would be acceptable to Indian opinion. Steps will therefore be taken to give the utmost possible publicity to this statement, and any comments on the proposals therein which are received by the 1st May 1945, will receive careful consideration. Any person or association desiring to furnish comments on the proposals should forward the same direct to the Secretary to the Government of India in the Legislative Department. Any comments received will be supplied to the Members of the Central Legislature, and steps will be taken in due course to arrange a debate on the proposals in each Chamber of that Legislature.

G. H. SPENCE
Secretary to the Govt. of India

**DEPARTMENT OF SUPPLY AND TRANSPORT
NOTIFICATION**

The 17th January 1945

No. 1064-S.T.—The following notification, issued by the Government of India, in the Department of Industries and Civil Supplies, is republished for general information.

By order of the Governor
C. S. JHA
Secretary to Government

New Delhi, 25th November 1944

No. LS/W(3)—In pursuance of sub-clause (2) of clause 5 of the Indian Woollen Goods (Control) Order, 1944, the Central Government is pleased to fix the following maximum retail prices which may be charged by a dealer in

respect of Indian Woollen goods other than controlled woollen goods :—

Serial No.	Description and other particulars	Maximum retail price per lb.		
		Rs.	a.	p.
1	Tweeds and Woollen Suitings manufacture from Indian machine spun woollen yarns.	5	10	0
2	Blankets and Rugs Manufactured from Indian machine spun woollen yarns.	4	0	0
3	Worsted cloth (Suitings, Shirtings, Flannels, Shawls, etc.), manufactured from imported worsted or union (T. C. quality) yarns.	26	0	0
4	Worsted cloth manufactured from cotton warp or cotton twisted with imported worsted yarn with cotton contents not exceeding 25 per cent.	22	0	0
5	Worsted cloth manufactured from cotton warp or cotton twisted with imported worsted yarns with cotton contents above 25 per cent. but less than 51 per cent.	18	0	0
6	Worsted cloth manufactured from imported worsted and union (T. C. quality, etc.), yarns twisted with rayon or staple fibre yarn.	20	0	0
7	Worsted knitting yarns of Indian manufacture	9	8	0

NOTE.—The above prices are for the best quality material falling within the categories described. Prices for lower qualities should be proportionately less.

H. M. PATEL
Joint Secy. to the Govt. of India

GOVERNMENT OF INDIA
DEPARTMENT OF INDUSTRIES AND CIVIL SUPPLIES
OFFICE OF THE TEXTILE COMMISSIONER
PRESS NOTE

Bombay, 30th December 1944

In order to facilitate distribution of cloth and yarn, the Textile Commissioner authorises mills to decline to entertain after 15th January 1945, any claim for eligibility to quota, made by any person.

PRESS NOTE

PAPER CONTROL (ECONOMY) ORDER, 1944

Packing of Match Boxes

The Government of India have decided under the Paper Control (Economy) Order, 1944, to lay down the following specifications for the packing of match boxes for civil supplies:—

(1) Match boxes shall in future be packed in hessian paper containers each containing not less than 5 gross of loose boxes without any other form of inner packing.

The hessian paper containers should be made from hessian cloth and kraft paper pasted together with bitumen. Containers may be sealed with a label not exceeding 16 square inches in area.

(2) Match boxes intended for export may be packed in dozens in kraft paper and then in wooden cases lined with water-proof paper. Each packet containing a dozen boxes may bear a small label the same size as that used on the match box to indicate the kind of matches which it contains.

PRESS NOTE

PAPER CONTROL (ECONOMY) ORDER, 1944

Permission to display posters relating to news

The Government of India have decided to allow the display of posters relating to any news, provided they are printed on newsprint, which has previously been printed on completely on both sides.

PRESS NOTE

PAPER CONTROL (ECONOMY) ORDER, 1944

A concession to be withdrawn

In a Press Note issued on the 28th July 1944, it was announced *inter alia*, that all printing and publishing work which was in *press* on the date of the coming into force of the Paper Control (Economy) Order, 1944, viz., the 12th June 1944, would be allowed to be completed without the paper consumed in the completion of the work being debited to the quota of the printer or publisher. In view of the fact that sufficient time has now elapsed for completing all work of such nature, the Government of India have decided to withdraw this concession with effect from the 1st February 1945.